

## DELTA PROTECTION COMMISSION

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April 12, 1996

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: **Revised** Staff Report and Preliminary Staff  
Recommendation on Submittal of the CITY OF RIO VISTA

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Background:

The Delta Protection Act states that within 180 days of the adoption of the regional plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission shall approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone, only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the general plan:

- a. will be consistent with the [Land Use and Resource Management Plan for the Primary Zone of the Delta (Plan)].
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.

- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.
- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- I. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

City of Rio Vista Submittal:

On January 25, 1996, staff sent a letter to the City Manager which outlined the actions the City should take to conform to the Delta Protection Act. The City submitted a letter, dated February 29, 1996, and maps which illustrate: lands of the City within the Primary Zone and General Plan designations; recently annexed lands, and zoning of those lands. Also attached to the letter were the zoning regulations indicating the uses allowed in the various zones.

Description of City Lands within the Primary Zone of the Delta:

The City lands within the Primary Zone of the Delta include the new airport, undeveloped lands northeast of Airport Road, and the site of the proposed wastewater treatment plant (see attached map). The airport and some undeveloped lands were in the City limits as of January 1, 1992.

The proposed wastewater treatment plan was analyzed by the City in a Draft Environmental Impact Report dated November 1991, and in a Final Environmental Impact Report dated March 1992, and certified on March 4, 1993.

In January, 1995, the Solano County Local Agency Formation Commission approved annexation of an approximately 500 acre site into the City for the proposed wastewater treatment plant. Most of the annexation parcel is owned by the State Reclamation Board, was declared surplus, and is the subject of a land exchange agreement approved in May of 1993, which has not yet been executed.

Existing General Plan Designation of City of Rio Vista Lands in the Primary Zone of the Delta:

As of January 1, 1992, the General Plan designates some lands in the Primary Zone for Heavy Commercial/Light Industrial and some lands for the wastewater treatment plant.

Zoning Designation of City of Rio Vista Lands in the Primary Zone of the Delta:

As of January 1, 1992, zoning includes the new airport, an are zoned General Manufacturing Industry (M-G), and along the Sacramento River, Residential High Density (R-3), General and Service Commercial and Industrial (C-3 and C-3-I). The newly annexed lands have not been zoned; the Planning Director indicates those lands will be zoned consistent with the General Plan.

Future General Plan Amendments:

The Planning Director indicates the City will conform to the recommendations of the Delta Protection Commission staff as outlined in an informal memo dated July 6, 1995, which suggested the City adopt a policy which would ensure that if the lands in the Primary Zone are no longer needed for a new sewage treatment plant site, only land uses consistent with the adopted Land Use and Resource Management Plan could be considered.

Delta Protection Commission staff also recommended "the City should develop and [adopt] criteria describing how possible General Plan amendments for the lands in the Primary Zone will be addressed."

The Planning Director states in the February 29, 1996, letter "Regarding the General Plan Amendment consistency criteria, I believe the 11 items...in your July 6, 1995 memo to me are appropriate and acceptable to the City and will be considered with any General Plan Amendment on development proposal located in the primary zone." [NOTE: The eleven criteria are items a through k, listed above in the "Background" section of this staff report.] While these criteria are the criteria in the Act the Commission must use to evaluate a local government submittal, they would be adequate for the City to use to evaluate a proposed General Plan amendment.

#### General Plan Amendment Proposed to Conform to the Plan:

The Planning Director agreed in a telephone conversation on March 27, 1996, to recommend that the City adopt a new policy in the General Plan which would state:

"All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provisions of the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as adopted and as may be amended by the Delta Protection Commission."

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#### Analysis in Comparison with the Adopted Plan:

Two policies in the Plan specifically apply to lands in the Primary Zone within the City of Rio Vista:

Land Use Policy P-5: Local government General Plans shall address criteria under which General Plan amendments in the Primary Zone will be evaluated. Proposed amendments to local government General Plans for areas in the Primary Zone shall be evaluated in terms of consistency of the overall goal and program of the Delta Protection Commission.

Agriculture Policy P-12: Where portions of Cities are located within the Primary Zone, Cities shall indicate zoning which was in place on January 1, 1992. Future changes to City General Plans or zoning ordinances shall conform to the adopted Land Use and Resource Management Plan.

[Note: Utilities and Infrastructure Policy P-3, which "grandfathered" the Rio Vista sewage treatment plan project described in the adopted Final Environmental Impact Report, has been set aside and is unenforceable. The Commission is processing a proposed regulation and Plan amendment which would add that language into the Plan.]

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

The Commission is required to identify any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning and environmental documents.

The City's proposed action would have no additional environmental impact beyond those outlined in the environmental analysis which was prepared in support of the Commission's adoption of the resource management plan in February of 1995.

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Staff Analysis:

The City's submittal, as verbally amended by the Planning Director on March 27, 1996, conforms to the requirements of the Act. The proposed General Plan amendment will ensure that future projects in the Delta Primary Zone will conform to the Commission's adopted Plan. If the recently annexed lands are not needed for a wastewater treatment plant, the City will ensure that any other proposal would conform to the Commission's adopted Plan.

Public Comments:

A public hearing was opened on March 28, 1996. There were no public comments. The public hearing will continue on April 25, 1996. No written comments have been received.

Staff Recommendation:

The staff recommendation is made subject to possible, additional comments at the continued public hearing on April 25, 1996, or written comments submitted by that date.

Staff recommends the Commission find the proposed City of Rio Vista General Plan amendment, revised as indicated above, consistent with Section 29763.5 of the Delta Protection Act. (see attached draft resolution of adoption)

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4/12/96

DRAFT

RESOLUTION OF ADOPTION OF CITY OF RIO VISTA SUBMITTAL

WHEREAS, the Delta Protection Commission adopted the "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Plan) on February 23, 1995; and

WHEREAS, the Delta Protection Act requires that within 180 days of the adoption of the Plan all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 of the Act with respect to land located within the Primary Zone; and

WHEREAS, Karl Wandry, Community Development Director, submitted the City's proposal in a letter dated February 29, 1996, and received on March 4, 1996; and

WHEREAS, the Delta Protection Act requires that the Commission act on proposed general plan amendments within 60 days of submittal; and

WHEREAS, public hearings and discussion were conducted at the Commission meetings of March 28, 1995 and April 25, 1996; and

WHEREAS, before adopting the proposed general plan amendments, the Commission is required to make the following findings:

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(a) The general plan, and any development approved or proposed that is consistent with the plan, are consistent with the regional plan.

(b) The general plan, and any development approved or proposed that is consistent with the plan, will not result in wetland or riparian loss.

(c) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation of water quality.

(d) The general plan, and any development approved or proposed that is consistent with the plan, will not result in increased nonpoint source pollution.

(e) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or reduction of Pacific Flyway habitat.

(f) The general plan, and any development approved or proposed that is consistent with the plan, will not result in reduced public access, provided the access does not infringe on private property rights.

(g) The general plan, and any development approved or proposed that is consistent with the plan, will not expose the public to increased flood hazard.

(h) The general plan, and any development approved or proposed that is consistent with the plan, will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.

(i) The general plan, and any development approved or proposed that is consistent with the plan, will not result in the degradation or impairment of levee integrity.

(j) The general plan and any development approved or proposed that is consistent with the plan, will not adversely impact navigation.

~~(k) The general plan, and any development approved or proposed that is consistent with the plan, will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.~~

WHEREAS, upon receipt of the City of Rio Vista proposed general plan amendments, Commission staff prepared a staff report and recommendation to the Commission, including an analysis of the proposed amendments in comparison to the Plan and an analysis identifying any potentially significant adverse environmental impacts resulting from the proposed amendments which were not previously addressed in the Commission's planning documents; and

WHEREAS, Karl Wandry, Community Development Director, verbally amended the written submittal to include a proposed general plan amendment stating:



All public and private management and development activities within the Primary Zone of the Delta shall be consistent with the goals, policies, and provisions of the "Land Use and Resource Management Plan for the Primary Zone of the Delta" as adopted and as may be amended by the Delta Protection Commission.

WHEREAS, notice of the availability of the staff report and staff recommendation was provided to the public through a notice published on March 27, 1996, in the Sacramento Bee and the Stockton Record, newspapers of general circulation in the Delta area, and

WHEREAS, Commission staff has consulted with all public agencies which have jurisdiction by law over the activities or resources affected by the proposed general plan amendments; and

WHEREAS Commission staff has prepared a written summary and response to all significant environmental points raised during the Commission's evaluation of the proposed general plan amendments and the summary and response were presented to the Commission for consideration and approval prior to or at the same time as the Commission considered the proposed general plan amendments for approval; and

WHEREAS the Commission has determined that the proposed general plan amendments will not result in any potentially significant adverse environmental impacts resulting from the proposal which were not previously addressed in the Commission's planning documents; and

WHEREAS, the Commission finds that findings (a) through (k), above, regarding the proposed general plan amendment of City of Rio Vista satisfy the requirements of Public Resources Code Section 29763.5;

THEREFORE BE IT RESOLVED, the Delta Protection Commission has approved, by a majority vote of the Commission membership, the proposed general plan amendment of City of Rio Vista, under the findings described in Section 29765 of the Public Resources Code.

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DELTA PROTECTION ACT OF 1992

MAP OF ZONES

SACRAMENTO-SAN JOAQUIN DELTA

